

**DURHAM, NORTH CAROLINA
TUESDAY, SEPTEMBER 2, 1997
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Absent: Council Member Engelhard.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

The meeting was called to order by the Mayor and at this time, a proclamation was read proclaiming the month of September, 1997 as "Hispanic Month" in the City of Durham.

Mayor Kerckhoff asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell introduced the following individuals from the Triangle Leadership Program: Donald Dixon; Will Sutton; Fannie Hayes; and Sandra Battle.

City Attorney Blinder informed the council of various settlements that have been concluded. He noted the settlements were authorized by the Council in closed sessions. 1) The claim of Erica Harrell was settled by payment in the amount of \$300,000; 2) The claim of Cincinnati Insurance was settled by payment in the amount of \$39,300; 3) The claim of Jacqueline Johnson was settled by payment in the amount of \$115,000; and 4) The Dukes and Scarlett civil actions were settled by payment in the amount of \$295,000.

There were no priority items from the City Clerk.

Mayor Kerckhoff asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Mr. Larry Hairston, a citizen, requested that Consent Item 13 be pulled [Street Closing 9,900± Square Feet of Vanessa Drive, South of Riddle Road].

MOTION by Council Member Larson seconded by Council Member Griffin to approve the Consent Agenda as amended was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

[CONSENT AGENDA]

SUBJECT: MAYOR'S NOMINIATIONS TO BOARDS, COMMITTEES AND COMMISSIONS

MOTION by Council Member Larson seconded by Council Member Griffin to approve the nominations for re-appointment of the following members as Mayor's Appointees:

David Smith	Durham Area Transit Authority	
	Term expires March 1, 2000	
Toby Kahr	Workforce Development Board/ Private Industry Council	
	Term expires June 30, 1998	

was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: CONTRACT FOR THE PROVISION OF SUPPLEMENTAL POLICE SERVICES - DURHAM HOUSING AUTHORITY

MOTION by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into a contract with the Durham Housing Authority for additional police services was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: STAFFING LEVELS IN THE POLICE DEPARTMENT

MOTION by Council Member Larson seconded by Council Member Griffin to direct the Administration to calculate the minimum police patrol coverage based on the current City population (including the annexed areas) and to compare these minimum police coverage figures with the City's actual number of officers on patrol;

To direct the Administration to devise a plan [to include methods of acquiring and maintaining the minimum police patrol coverage] to prevent the City from falling below these minimum coverage requirements, so the City Council may adopt a policy to achieve and thereafter always endeavor to maintain proactively the minimum number of police officers to cover Durham based on a formula and not a fixed number; and

To direct the Administration to bring back the report, including costs implications associated with this policy, before the end of the 1997 calendar year was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: FEDERAL TRANSIT ADMINISTRATION/STATE GRANT AMENDMENT - MULTIMODAL TRANSPORTATION CENTER

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution authorizing the submission of a grant amendment seeking approval from the FTA and the State to use \$313,626 in federal/state funding, matched by \$78,406 in local funding, for the purpose of contracting for the professional services needed to begin designing the Multimodal Transportation Center; and

To authorize the City Manager to accept and execute such a grant amendment upon approval was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Resolution #8385

SUBJECT: 1996-97 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM PERFORMANCE EVALUATION PUBLIC HEARING

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a "Resolution to Set the Date for the 1996-97 Community Development Block Grant Program Performance Evaluation Public Hearing"--public hearing set for Monday, September 15, 1997 was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Resolution #8386

SUBJECT: WEST CHAPEL HILL STREET FACADE IMPROVEMENT PROGRAM AMENDMENT

MOTION by Council Member Larson seconded by Council Member Griffin to approve amendments, as listed in the attachment, to the West

Chapel Hill Street Facade Improvement Program was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: AUTHORIZED SIGNATURES FOR A DEPOSITORY AND DESIGNATION OF DEPUTY FINANCE OFFICER

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a "Resolution Designating Signatures of Individuals to be Honored by Depositories of the City of Durham"; and

To adopt a "Resolution Designating Deputy Finance Officer" was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Resolution #8387

Resolution #8388

SUBJECT: EXTENSION OF 1990 REFERENDUM AUTHORITY

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a "Resolution Fixing the Time and Place for a Public Hearing on the Questions of Whether the Maximum Time Period for Issuing Bonds Under Orders Authorizing \$83,375,000 Sanitary Sewer Bonds, \$7,000,000 Street Bonds, \$15,000,000 Housing Bonds, \$45,200,000 Solid Waste Disposal Bonds, \$3,365,000 Park and Recreational Facility Bonds and \$3,200,000 Urban Trail and Greenway Bonds, Which Took Effect on November 6, 1990, Should Be Extended from Seven Years to 10 Years After Such Date"--public hearing scheduled for September 15, 1997 was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Resolution #8389

SUBJECT: LYON PARK BOND PROJECT

a. Interlocal Agreement

MOTION by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into an Interlocal Cooperation Agreement between the City of Durham and the County of

Durham for the purpose of setting forth the undertaking of the City and County with respect to the property which formerly served as the Lyon Park School.

b. Resolution Exempting Architectural Services

MOTION by Council Member Larson seconded by Council Member Griffinto adopt a "Resolution Exempting the Lyon Park Bond Project from G.S. 143-64.31 as to Architectural Services" was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Resolution #8390

SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY - FEDERAL AVIATION ADMINISTRATION (FAA) AIP GRANT NO. 3-37-0056-21

MOTION by Council Member Larson seconded by Council Member Griffin to authorize the acceptance of a grant offer in advance of the exact amount of the grant being finalized and receipt of the actual paperwork for the grant offer for the following project:

Installation of Touchdown Zone Lights on Runway 23L, RDU
Project Number 080261, FAA AIP Grant Number 3-37-0056-21;
and

To authorize the City Manager to execute the Grant Agreement Offer and the City Attorney to give assurances with respect thereto after it is issued by the FAA was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: MAYOR'S NOMINATION TO BOARDS, COMMITTEES, AND COMMISSIONS - CITIZENS ADVISORY COMMITTEE

MOTION by Council Member Larson seconded by Council Member Griffin to approve the Mayor's nomination for re-appointment of Gloria Beamon-Thomas to Citizens Advisory Committee as the Mayor's Appointee for a term to expire June 30, 2000 was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: PROPOSED AMENDMENTS TO THE DURHAM URBAN TRAILS AND GREENWAYS MASTER PLAN

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution setting a public hearing on Monday, September 15, 1997 to consider proposed amendments to the Durham Urban Trails and Greenways Master Plan was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Resolution #8391

SUBJECT: SITE PLAN APPROVAL - GROVE PARK, NORTHLAKE

MOTION by Council Member Larson seconded by Council Member Griffin to approve a site plan for Grove Park - Northlake consisting of 25 single family lots proposed on 6.56 acres, zoned PDR-1.63 and F/J-B, located at the northwest end of Northlake Drive, west of Nichols Farm Drive and south of NC 98 (Tax Map Number 663-2-13) was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: EAGLES POINTE PETITION ANNEXATION

MOTION by Council Member Larson seconded by Council Member Griffin to receive a report from the Administration on Eagles Pointe Petition Annexation;

To accept the City Clerk's certification of 100 percent ownership as required by N.C.G.S. 160A-31; and

To adopt a resolution setting a public hearing on Monday, September 15, 1997 to consider the petition annexation was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Resolution #8393

SUBJECT: REQUEST FOR SEWER CREDIT FOR WATER CONSUMED FOR IRRIGATION PURPOSES - DARRELL GARRETT

MOTION by Council Member Larson seconded by Council Member Griffin

to receive the report and approve the recommendation from the Administration concerning the request made by Darrell Garrett for sewer credit for water consumed for irrigation purposes; and

To request the staff to report back on the cost of installing second water-only meters for residential customers--at the September 29, 1997 Public Works Committee meeting was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: CONTRACT NO. 171 - STREET RESURFACING, B & B PAVING COMPANY, INCORPORATED

MOTION by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to execute a contract in the amount of \$425,309.28 with B & B Paving Company, Incorporated for street resurfacing was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: TRAFFIC CONCERNS - SPEEDING ON I-85

MOTION by Council Member Larson seconded by Council Member Griffin to direct the City Manager to send a letter to the Department of Crime Control requesting enhanced traffic control enforcement measures on I-85 was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR THERMOPLASTIC PAVEMENT MARKING MATERIAL - CROWN TECHNOLOGY

MOTION by Council Member Larson seconded by Council Member Griffin to accept the bid from Crown Technology in the amount of \$85,756.00 for furnishing the City with its estimated requirements for thermoplastic pavement marking material; and

To waive the requirement for a Performance Bond was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

**SUBJECT: STOP AND YIELD SIGNS IN AREAS ANNEXED JULY 1, 1997 -
NORTHWEST, NORTH, SOUTH MIAMI BOULEVARD AND PARKWOOD**

a. Existing Stop Signs

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing existing stop signs on streets in the Northwest, North, South Miami Boulevard, and Parkwood Annexation Areas was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11242

b. Proposed Stop Signs

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of stop signs on streets, in the Northwest, North, and South Miami Boulevard Annexation Areas was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11243

c. Yield Sign - Rolling Pines Avenue (S. Miami Boulevard Annexation Area)

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing an existing yield sign on Rolling Pines Avenue at Ambassador Drive, southeast corner (S. Miami Boulevard Annexation Area) was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11244

SUBJECT: CONTROLLED PARKING RESIDENTIAL AREA - RUTHERFORD STREET

MOTION by Council Member Larson seconded by Council Member Griffin

to adopt an ordinance to establish a controlled parking residential area on Rutherford Street from Hillsborough Road to Main Street was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Ordinance #11245

SUBJECT: TIME PAYMENT PETITIONS

MOTION by Council Member Larson seconded by Council Member Griffin to approve the 11 Time Payment Petitions listed below was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

1. Ann Parham Barton - 1522 Goodwin Road - Sewer Lateral and Sewer Capital Facility Fee
2. Martha P. Davis - 823 Shay Drive - Sewer Lateral and Sewer Capital Facility Fee
3. Thomas N. and C. Jean Hanchey - 2015 Hillock Place - Water Lateral and Water Capital Facility Fee
4. Steven J. and Nancy P. Hoyme - 4110 Bartlett Drive - Water Lateral and Water Capital Facility Fee
5. Katherine Delores Johnson - 1120 Clayton Road - Water Lateral, Water Main and Water Capital Facility Fee
6. Larry T. and Betty L. Massey - 2803 Davie Drive - Water Lateral and Water Capital Facility Fee
7. Richie W. and J. Thomas O'Briant - 5700 Woodberry Road - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee
8. William S. and Olivia T. Philpott - 726 Wortley Drive - Water Capital Facility Fee and Sewer Capital Facility Fee
9. Catherine and W. Todd Plummer - 3036 Rosebriar Drive - Water Lateral and Water Capital Facility Fee
10. Robert John and Debra E. Putman - 727 Bayard Road - Sewer Lateral and Sewer Capital Facility Fee

11. Carrie Thornton Smith - 1004 Larchwood Drive - Water Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee

SUBJECT: SEWER MAIN - KINLOCH DRIVE FROM KINLOCH DRIVE OUTFALL TO LATTA ROAD AND LATTA ROAD FROM KINLOCH DRIVE TO WOMACK DRIVE - ORDERING IMPROVEMENT UNDER ENABLING ACT AUTHORITY

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution setting a public hearing on Monday, September 15, 1997 to consider ordering sewer main improvements on Kinloch Drive from Kinloch Drive Outfall to Latta Road and Latta Road from Kinloch Drive to Womack Drive was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: STREET ACCEPTANCE - SHERWOOD PARK APARTMENTS, LAKEHURST SUBDIVISION, HOPE VALLEY FARMS SUBDIVISION AND MERIDIAN BUSINESS CAMPUS

a. Acceptance of Certain Streets

MOTION by Council Member Larson seconded by Council Member Griffin to accept certain streets in Sherwood Park Apartments, Lakehurst Subdivision, Hope Valley Farms Subdivision and Meridian Business Campus, as listed below, for maintenance by the City of Durham was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SHERWOOD PARK APARTMENTS

1. Andover Drive - from the centerline of Cheek Road southward to the end of pavement (554')

LAKEHURST SUBDIVISION

1. Avonlea Court - from the centerline of Stinhurst Drive northward thru the cul-de-sac (370')
2. Haycox Court - from the centerline of Stinhurst Drive southward thru the cul-de-sac (576')
3. Rhygate Court - from the centerline of Stinhurst Drive northward thru the cul-de-sac (342')

4. Stinhurst Drive - from the centerline of Herndon Road eastward to the end of Phase I @ STA 15 + 40 (1,540')

HOPE VALLEY FARMS SUBDIVISION

1. Juliette Drive - from the end of existing maintenance (STA 20 + 75) westward to the end of Phase II (STA 51 + 52) (3,077')

MERIDIAN BUSINESS CAMPUS

1. North Bend Drive - from the centerline of Meridian Parkway north to the centerline of Carpenter-Fletcher Road (535')

b. Technical Corrections to Certain Accepted Streets

MOTION by Council Member Larson seconded by Council Member Griffin to approve technical corrections, as outlined below, to certain streets accepted on April 22, 1997 for maintenance by the City of Durham was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

NORTHWEST ANNEXATION AREA

1. Debonair Court - from Rosewood Circle east to the end of maintenance (322' gravel)
2. Forrestdale Road - from Valley Springs Road north thru the cul-de-sac (1,018')
3. Kara Place - from Marywood Drive north thru the cul-de-sac (170')
4. Luther Road - from Rose of Sharon Road north to Riverside High School (1,075')
5. Park Place - from Marywood Drive west thru the cul-de-sac (358')
6. Rosebriar Drive - from Rose of Sharon Road thru the cul-de-sac (1,807')

NORTHERN ANNEXATION AREA

1. Amador Drive - correct spelling from Amado Drive

PARKWOOD ANNEXATION AREA

1. Deblyn Court - correct spelling from Deblin Court

2. Huntsman Drive - correct spelling from Hunstman Drive
3. Amhurst Road - from NC Hwy. 54 south to Barbee Road. This street should not have been accepted. It was not a part of the Parkwood Annexation.

MIAMI BOULEVARD ANNEXATION AREA

1. Bethesda Avenue - from Miami Boulevard east to Baylor Street (999')
2. Rolling Pines Avenue - from Ambassador Drive south to Lumley Road (2,540')

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: CURB, GUTTER AND PAVING - TAYLOR STREET FROM RAILROAD TO ELM STREET

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to objections, City Engineer Ken Wright requested that the properties of Shelton Jones and Lee Bergman be referred to the Public Works Committee for further consideration.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution confirming the assessment roll for curb, gutter and paving on Taylor Street from Railroad to Elm Street **and to refer the properties of Shelton Jones and Lee Bergman to the Public Works Committee for further consideration** was approved at 7:59 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: SIDEWALK - LIBERTY STREET (SOUTH SIDE) FROM RAILROAD STREET TO ALSTON AVENUE

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared

closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution ordering sidewalk on Liberty Street (south side) from Railroad Street to Alston Avenue under the Enabling Act Authority was approved at 7:59 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: WATER AND SEWER SERVICE AREA AND ANNEXATION BOUNDARY - DURHAM AND MORRISVILLE

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

City Manager Ewell informed the council that the total acreage relative to this matter was 15.8.

MOTION by Council Member Larson seconded by Council Member Clement to receive citizens' comments on the proposed "Agreement between Morrisville and Durham Defining Water and Sewer Service Areas and Annexation Boundaries";

To adopt an "Ordinance and Resolution Adopting Agreement between Durham and Morrisville Regarding Water and Sewer Service Areas and Annexation Boundaries"; and

To authorize the City Manager to execute the "Agreement between Morrisville and Durham Defining Water and Sewer Service Areas and Annexation Boundaries was approved at 8:01 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

**Ordinance #11246
Resolution #8394**

SUBJECT: STREET CLOSING - SC96-14 - 39,233 SQUARE FEET OF BYNUM STREET; 20,552 SQUARE FEET OF LEWIS STREET; 27,564 SQUARE FEET OF YEARBY STREET; 16,213 SQUARE FEET OF PACE STREET AND 23,318 SQUARE FEET OF GARDEN PLACE

To adopt an Order permanently closing 39,233 square feet of Bynum Street, 20,552 square feet of Lewis Street; 27,564 square feet of Yearby Street; 16,213 square feet of Pace Street and 23,318 square

feet of Garden Place.

At the request of Duke University, City Manager Ewell asked that this matter be continued to the October 6, 1997 City Council Meeting.

MOTION by Council Member Larson seconded by Council Member Griffin to continue the public hearing without additional advertising until the October 6, 1997 City Council Meeting was approved at 8:02 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: STREET CLOSING - SC97-4, 42,126± SQUARE FEET OF VANCE STREET

To adopt an Order permanently closing 42,126± square feet of Vance Street.

At the request of Duke University, City Manager Ewell asked that this matter be continued to the October 6, 1997 City Council Meeting.

MOTION by Council Member Larson seconded by Council Member Griffin to continue the public hearing without additional advertising until the October 6, 1997 City Council Meeting was approved at 8:02 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

[OTHER MATTERS]

SUBJECT: CITIZENS COMMENTS REGARDING WAGES

To receive citizens' comments regarding wages.

Joan Walsh, a resident of Bivins Street, stated she strongly supported the City Council's efforts to promote economic stability and community cohesiveness by extending the livable rate requirement to private employers who have city contracts in Durham.

David Stith, a resident of Iredell Street, stated he was currently earning the same rate as the livable wage and he was able to support himself.

Rom Coles, a resident of Monmouth Avenue, spoke in support of the proposal for livable wages.

Jeremy Raw spoke in support of the livable wage proposal.

Karen Alexander spoke in support of the proposal. She stated someone has to take the responsibility to teach contractors that they must pay their employees.

Dabney Hopkins spoke in support of the proposal.

Nick Tennyson, a resident of Knotty Pine Drive, stated the proposal would send the message that Durham is a complicated partner with which to do business. He stated this proposal could force contractors to establish two different pay scales for those employees who work on city contracts and those who work on contract for private firms.

City Manager Ewell informed the Council that he would submit a proposed schedule of public forums at the Finance Committee Meeting scheduled for Thursday, September 4, 1997.

MOTION by Council Member Larson seconded by Council Member Griffin to receive citizens' comments rearding wages was approved at 8:28 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: MWBE SUBCOMMITTEE RECOMMENDATIONS FOR REVISIONS TO MWBE ORDINANCE

To discuss the MWBE Subcommittee recommendations for revisions to the MWBE Ordinance.

MOTION by Council Member Larson seconded by Council Member Wright to continue this matter for one cycle with draft ordinance to be placed on the September 4, 1997 Finance Committee Agenda and the September 8, 1997 Public Works Committee Agenda and to be considered for adoption at the September 15, 1997 City Council Meeting was approved at 8:29 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: PHARMACY NETWORK OF NORTH CAROLINA - PHARMACY CARD PLAN EMPLOYEE BENEFITS PACKAGE

MOTION by Council Member Wright seconded by Council Member Larson to authorize the City Manager to execute a contract with Pharmacy Network of N.C. to provide for the administration of the self-

funded pharmacy card services for the period from January 1, 1998 through December 31, 1998 was approved at 8:29 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

SUBJECT: SIGN ORDINANCE

To maintain the Sign Ordinance as is currently written.

Mr. Hugh Lecky, a citizen, addressed council stating he was concerned that Bob Evans' Restaurant was not able to fly an American flag of his choice. He asked the council to reconsider the present ordinance as it relates to the size of flags.

A motion was made by Council Member Cox to maintain the Sign Ordinance as is currently written. This motion was seconded by Council Member Miller.

SUBSTITUTE MOTION by Council Member Clement seconded by Council Member Griffin to refer the sign ordinance to the Joint City/County Planning Committee for review as it relates to the American Flag **FAILED** at 8:55 p.m. by the following vote: Ayes: Council Members McKissick, Clement, Larson and Griffin. Noes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Langley, Hyman, Cox, Miller, Brown and Wright. Absent: Council Member Engelhard.

MOTION by Council Member Cox seconded by Council Member Miller to maintain the Sign Ordinance as is currently written was approved at 8:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Cox, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: Council Members Clement and Griffin. Absent: Council Member Engelhard.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: STREET CLOSING (SC97-5) - 9,900± SQUARE FEET OF VANESSA DRIVE, SOUTH OF RIDDLE ROAD

Paul Norby, of the City/County Planning Department, stated they spoke with Mr. Larry Hairston and he informed them he would speak on this matter at the public hearing scheduled for September 15, 1997.

MOTION by Council Member Wright seconded by Council Member Larson to adopt a resolution declaring the intent of the City Council to

permanently close 9,900± square feet of Vanessa Drive, south of Riddle Road and to set a public hearing on Monday, September 15, 1997 to consider closing 9,900± square feet of Vanessa Drive was approved at 8:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Member Engelhard.

Resolution #8392

There being no further business to come before the Council, the meeting was adjourned at 8:55 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk